

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ROBERT F. URBANO,
Plaintiff

v.

AQUA INVESTMENTS, LLC
And ITS PRINCIPALS,
Defendants

CIVIL ACTION
DOCKET NO. 05 CV 11480 MLW

DEFENDANT'S MOTION TO STRIKE
PLAINTIFF'S MOTION FOR A MORE DEFINITE STATEMENT

Now comes Aqua Investments, LCC, Defendant in the above-entitled action, and moves this Honorable Court to Strike Plaintiff's Motion for a More Definite Statement. As grounds therefore, Defendant states the following:

1. On July 19, 2005, Plaintiff served Defendant with a Motion for a More Definite Statement. See Exhibit "A" attached hereto.
2. In that motion, Plaintiff requests the Defendant to provide documentation supporting its defense. See Exhibit "A", Paragraph 2.
3. A motion for a More Definite Statement is not the proper means for obtaining discovery.
4. In addition, Plaintiff's motion requests the Defendant to provide specific information regarding the disputed facts of the case. See Exhibit "A", Paragraph 3.
5. Again, this is not the proper means for discovering such information.
6. Lastly, Plaintiff's motion requests additional details be provided for six of the Affirmative Defenses claimed in Defendant's Answer. See Exhibit "A", paragraphs 4-10.
7. Likewise, these are matters that will be addressed in discovery, and should not be the subject of a Motion for a More Definite Statement.
8. Therefore, Plaintiff's Motion for a More Definite Statement should be stricken.

WHEREFORE, the Defendant respectfully asks this Honorable Court to Strike Plaintiff's Motion for a More Definite Statement and to grant the Defendant any other relief that is appropriate

Respectfully submitted,



Todd J. Bennett, Esq.
Attorney for Aqua Investments. LLC
Corrigan, Bennett & Belfort, P.C.
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Wilmington, MA 01887
(978) 988-1544
BBO# 643185

Dated: July 21, 2005

Certificate of Service

I hereby certify that a true copy of the above document has been served this date by U.S. mail on this 21 day of July, 2005, upon the following party:

Robert F. Urbano, Pro Se
PO Box 164
Rockport, MA 01966



Todd J. Bennett, Esq.

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT F. URBANO,
Plaintiff,

vs

Civil Action No. 05SP01651

AQUA INVESTMENTS LLC
& IT'S PRINCIPALS,
Defendants.

MOTION FOR A MORE DEFINITE STATEMENT

1. Pursuant to Mass. Rules Civil P. 12(e) In order to properly reply to Defendants' Answer and Counterclaims plaintiff hereby moves Defendants for more definite statements as follows:
2. Defendants deny (see Answer Par. 1) violating lead paint notification state and federal law pursuant to 42 U.S.C. 4852 (d)(1) by not notifying Plaintiff of the possibility of lead paint in the rental unit prior to occupancy. Plaintiff requests Defendants' documentation.
3. Defendants allege (see answer Par. 10) that all problems with the rental unit were corrected. Detail the day, time and

person correcting the problems in the rental unit for each specific problem alleged in the Complaint.

4. Clarify Second Affirmative Defense in detail as to Plaintiff's alleged "unclean hands and/or bad faith."?

5. In Defendants' Tenth Affirmative Defense name the other party or parties causing Plaintiff's damage?

6. In Defendants' Twelfth Affirmative Defense detail and produce the alleged "release and/or an accord and satisfaction."?

7. In Defendants' Thirteenth Affirmative Defense state the correct and appropriate parties to this litigation?

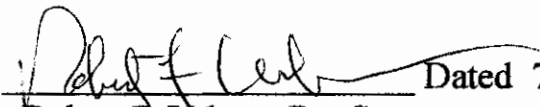
8. In Defendants' Fourteenth Affirmative Defense clarify why the certificate of service for the Complaint was allegedly improper?

9. In Defendants' Eighteenth Affirmative Defense specify the "negligence" attributable to the Plaintiff?

10. Under Defendants' COUNT I-BREACH OF CONTRACT Pars 1-6 produce the lease or contract allegedly agreed to by Plaintiff?

11. Plaintiff requests that the Court pursuant to FRCP 12(f) strike all of Defendants' alleged defenses as are insufficient, redundant and/or immaterial.

Pursuant to MRCP 12(e) Defendants have ten (10) days to respond in writing to the above motion for more definite statements.

 Dated 7/19/05
Robert F. Urbano Pro Se
PO Box 164 Rockport MA 01966
978-526-1519

CERTIFICATE OF SERVICE

Plaintiff hereby certifies that on 7/19/05 a true copy of the within motion was served on Defendant Aqua Investments LLC's Attorney Todd J. Bennett, Esq. at 404 Main St, Suite One Wilmington MA 01887.

